

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

AMY JACKSON
118 Dave Ave., Apt. #306
Lebanon, OH 45036

PLAINTIFF,

-VS-

**RELIANCE CONSTRUCTION
SERVICES LLC**

1546 Dixmont Ave., Apt. #1
Cincinnati, OH 45207

DEFENDANT.

: CASE NO. 1:20-cv-799

: JUDGE:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a) and 1446, Defendant Reliance Construction Services LLC (“Reliance”), through legal counsel and with full reservation of all defenses, objections, and exceptions, hereby respectfully files and serves this Notice of Removal to remove this action from the Common Pleas Court of Hamilton County, Ohio. In support of this Notice of Removal, Reliance states as follows:

PROCEDURAL HISTORY AND PLAINTIFF'S ALLEGATIONS

1. On or about September 9, 2020, Plaintiff Amy Jackson (“Plaintiff”) filed a Complaint in the Common Pleas Court of Hamilton County, Ohio, captioned Amy Jackson v. Reliance Construction Services LLC, Hamilton County Case No. A 2003141 (the “State Court Action”).

2. A copy of the State Court Action Complaint is attached to this Notice of Removal as Exhibit A.

3. Reliance was served with the Summons and Complaint on September 12, 2020 via US Certified Mail. (Exhibit A)

4. Plaintiff was an employee of Reliance until she was terminated for embezzlement.

5. Plaintiff states several allegations in the State Court Action. All of Plaintiff's claims revolve around alleged money that Reliance owes Plaintiff and certain record keeping matters. Plaintiff's allegations also revolve around Plaintiff's employment with Reliance and her subsequent termination.

6. Plaintiff's Complaint contains the following counts (1) State and Federal failure to pay overtime under the Fair Labor Standards Act, (2) Federal failure to maintain employment records under 29 CFR §516.2, (3) State failure to maintain records, (4) violations of the Ohio bi-weekly pay statute, (5) unjust enrichment, (6) breach of contract, and (7) common law termination in violation of public policy.

GROUND FOR REMOVAL

7. Removal of this action to the United States District Court for the Southern District of Ohio is proper under 28 U.S.C. §1441 because this is the federal district court having jurisdiction over the place where Plaintiff's State Court Action is pending, and because this Court has original Federal Question jurisdiction pursuant to 28 U.S.C. § 1331 because it arises under the laws of the United States.

8. In the State Court Action, Plaintiff also states claims under the laws of the State of Ohio. These claims are inherently related to the other claims in this case, over which this Court

has original jurisdiction, that they are a part of the same case or controversy under Article III of the United States Constitution. Indeed, all the claims in the State Court Action arise out of the same transactions and have common issues of operative fact. Common issues of fact include, whether and how much money Reliance paid or failed to pay Plaintiff, what records Reliance maintained, and the non-pretextual reason for Plaintiff's termination. Further, certain of Plaintiff's state law claims could have been plead as Federal claims. Simply, the facts that are relevant to Plaintiff's federal claims are relevant to the resolution to Plaintiff's state law claims. Accordingly, this Court has supplemental jurisdiction of these claims under 28 U.S.C. § 1367.

9. For the aforementioned reasons, Reliance is entitled to, and hereby does, remove this action to this Court pursuant to 28 U.S.C. § 1441 based on this Court's original jurisdiction.

PROCEDURAL REQUIREMENTS HAVE BEEN SATISFIED.

10. True and correct copies of all process, pleadings, and orders served on the Defendant in the State Court Action are attached as Exhibit A.

11. This Notice of Removal is timely filed with this Court within 30 days after Plaintiff's successful service of a copy of the Complaint on Reliance pursuant to 28 U.S.C. § 1446(b).

12. Reliance will give written notice to Plaintiff of this removal and will promptly file a copy of this Notice (Exhibit B) with the Common Pleas Court of Hamilton County in Case No. A 2003141 as required by 28 U.S.C. § 1446(d).

NON-WAIVER OF DEFENSES

13. Reliance reserves all rights, including defenses and objections as to venue, personal jurisdiction, and service, and the filing of this Notice of Removal is subject to, and without waiver of, any such defenses and objections.

14. By removing the State Court Action, Reliance does not admit any of the allegations in Plaintiff's Complaint.

WHEREFORE, Reliance respectfully gives notice that the State Court Action is hereby removed from the Common Pleas Court of Hamilton County, Ohio, to this Court.

Respectfully Submitted,

/s/ Robert L. Thompson
Robert L. Thompson (0098126)
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2020 a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed via U.S. mail, e-mail and/or facsimile to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's System.

/s/ Robert L. Thompson
Robert L. Thompson (0098126)